

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

HON. CHARLES S. COODY, MAG. JUDGE AT MONTGOMERY, ALABAMA

DATE COMMENCED: 1/8/07 AT

DATE COMPLETED: 1/8/07 AT

UNITED STATES OF AMERICA

vs.

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CRIMINAL CASE NO. 2:06-CR-241-CSC

BRANDI C. MCGINN

GOVERNMENT

APPEARANCES:

DEFENDANT

Atty. Reese Hayes, III

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Atty. Russell Duraski

COURT OFFICIALS PRESENT:

COURTROOM DEPUTY: Wanda Stinson

COURT REPORTER: James Dickens

LAW CLERK: Corrie Long

JURORS:

1. MARY B. HUFMAN

7. ALICIA K. ROGERS

2. BRENDA OVERTON HARRIS

8. WILLIAM JOSEPH WOOD, JR.

3. FAYE BYNUM GUY

9. SHARON RHODES

4. PAMELA J. MITCHELL

10. DIANE MARIE WESTFALL

5. RALPH EUGENE STOKES

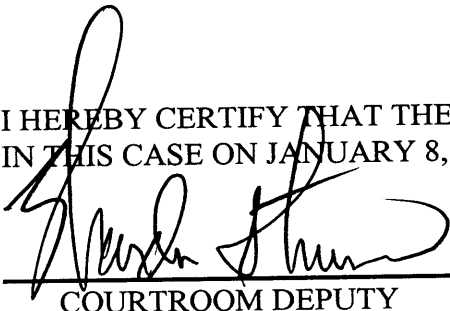
11. BETTY B. HATTER

6. SARAH MCANNALLY PETIT

12. WANDA MYERS RETHERFORD

13. SEAN WEBSTER SNOW

I HEREBY CERTIFY THAT THE ABOVE-NAMED JURORS SERVED
IN THIS CASE ON JANUARY 8, 2007.



COURTROOM DEPUTY

COURTROOM PROCEEDINGS:

JANUARY 8, 2007

10 :15 A.M. Conference with court outside the presence of jury;
Defense informs court of late discovery received from Govt. and ORAL
Request that exhibits be excluded;
Govt's states position as to the discovery items;
Court **ORAL ORDER** granting request to exclude items;

10:19 A.M. Court convenes; Jury sworn;
Voir dire begins;

10:29 A.M. Jury selection process begins

10:40 A.M. Jury selected.;

10:43 A.M. Court excuses remaining jurors;

10:44 A.M. Jury sworn;
Deft' wish the rule invoked;
Court excused witnesses to are to testify to wait outside until called to
testify;

10:45 A.M. Court's instruction to selected jurors;

10:54 A.M. Govt's Opening statements;

10:56 A.M. Deft's Opening statements;

11:00 A.M. Court's continued instruction;

11:00 A.M. Govt. Det. Robert Smith; witness is sworn and seated; Employed as Store
Detective at Maxwell AFB; Discussion regarding history with
shoplifters; Discussion as to the incident of August 30th, 2006.

11:17 A.M. Deft's Objection - request side bar;

11:17 A.M. Side bar;

11:18 A.M. Court advised witness to state only what he saw;

11:18 A.M. Testimony resumes; Discussion of items paid for by deft; Discussion of
items not paid for by deft; Discussion and review Govt's. Exh. #1 -
Videotape; Move to admit Govt's Exhibit #1;
No objection by defense;
Court - Govt's Ex. #1 is admitted ;

11:57 A.M. Side bar;

11:57 A.M. Jury excused for LUNCH until 1:15 p.m.;

12:00 P.M. Parties given copy of jury charges;

12:00 P.M. Court is recessed until 1:00 p.m.; Charge conference will begin at 1:00
p.m.;

1:03 P.M. Court RECONVENES;
Deft's review of the tape, not provide on deft's copy;
Discussions as to the remainder of the tape;
Court's - sustained the objection;
Court's orders the substitution of govt's Exh. #1 - videotape be substituted
with deft's copy of the videotape ;

1:06 P.M. Jury enters courtroom;

Govt's continued testimony; Cont'd review of videotape;
1:11 P.M. Deft has no questions for this witness;
Govt. calls Mary Ross; witness is sworn and seated; Discussion of
incident of August 30, 2006;
1:17 P.M. Govt. Rests.;
Deft has no questions for this witness;
Witness is excused;
Deft has a matter to take with the court out side the presence of the jury;
1:17 P.M. Jury excused;
1:18 P.M. Deft's **ORAL** Motion for Judgment of acquittal;
Govt. response;
1:19 PM.. Discussion as to sufficient evidence; Court's **ORAL Order Denying**
ORAL Motion for Judgment of Acquittal;
1:21 P.M. Jury enters courtroom;
Defense calls Michael Patrick McGinn; witness is sworn and seated;
1:27 P.M. Govt's Cross examination;
Witness is excused;
Defense calls Brandi McGinn; witness is sworn and seated; Discussion of
incident of August 30, 2006;
1:36 P.M. Govt's cross - examination;
1:38 P.M. Defense redirect;
Witness is excused;
Defense calls Lt. Scott Patton; witness is sworn and seated;
1:41 P.M. Witness is excused;
Defense Rests.
No rebuttal by the Govt.
1:42 P.M. Court - will take a 15 min RECESS until 1:55 p.m..
Jury excused;
Deft's - **Renew ORAL Motion** for Judgement of Acquittal;
Court- **ORAL ORDER** Denying Renewed motion;
1:55 P.M. Court RECONVENES;
Govt. Closing arguments;
2:04 P.M. Deft's Closing arguments;
2:18 P.M. Govt's Rebuttal arguments;
2:23 P.M. Court's charges the jury;
2:34 P.M. Parties have no objections to charge.
2:35 P.M. Jury excused to deliberate;
3:30 P.M. Court Convenes; Court received note from jury;
Jury enters courtroom;
Discussion of note from jury;
3:33 P.M. Jury to remain in courtroom to review videotape, all other parties in the
courtroom are excused.;
3:53 P.M. Jury returns to deliberation room;
5:38 P.M. Court RECONVENES;
Jury Verdict.

5:41 P.M. Court orders presentence report;
Deft to remained released on her own recognizance.
5:41 P.M. Court is recessed.

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CRIMINAL CASE NO.
2:06-CR-241-CSC

WITNESS LIST:

GOVERNMENT

January 8, 2007

1. Detective Robert Smith
2. Mary Ross

DEFENDANT

3. Cpt. Michael McGinn
4. Mrs. Brandi McGinn
5. Lt. Col. Scott Patton

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